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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	NO. 1: CV-00-1342
v.	:	
	:	
NORTHWESTERN MUTUAL LIFE	:	
INSURANCE COMPANY,	:	
Defendant.	:	(Judge McClure)

**WITNESS AND EXHIBIT LIST**

**I. Plaintiff's Exhibit List**

Judge James F. McClure, Jr.  
Exhibit List of Northwestern Mutual Insurance Company

Case. No. 1:CV:00-1342

Pltf.	Def.	Description of Object or Item	Identified	Evidence	Ruling	Witness on Stand
1.		Disability Claim Referral				
2.		APS of 2/3/98				
3.		12 Page Disability Manual				
4.		Interview				
5.		Signed Statement				
6.		Claim Guidelines				
7.		Letter of 5/30/2000				
8.		Letter of 4/14/00				
9.		Letter of Diveglia of 4/25/2000				
10.		Letter of Hyde 5/03/2000				
11.		Application for Disability Benefits				
12.		Dr. Seidman's APS of 3/27/00				

<b>Pltf.</b>	<b>Deft.</b>	<b>Description of Object or Item</b>	<b>Identified</b>	<b>Evidence</b>	<b>Ruling</b>	<b>Witness on Stand</b>
13.		Dr. Borgan's APS of 10/27/99				
14.		Dr. Seidman's letter of 2/18/1999				
15.		Notes of underwriter (734) (867)				
16.		Dr. Borgan's APS on 2/3/98				
17.		Dr. Seidman's APS of 5/7/98				
18.		Dr. Borgan's APS of 8/14/98				
19.		Letter of Dr. Powell to Dr. Seidman and Response				
20.		Dr. Borgan's APS of 10/27/99				
21.		Dr. Seidman's APS of 3/27/00				
22.		Request for Continuance of Benefits 2/7/98				
23.		Request for Continuance of Benefits 5/8/98				
24.		Request for Continuance of Benefits 6/28/98				
25.		Request for Continuance of Benefits 8/14/98				
26.		Patricia Sheehan, Resume				
27.		Office Notes of 3/27/00				
28.		Copy of Contract				
29.		Admission, History, and Physical of 9/30/97				
30.		Medical Journal Articles				
31.		Deposition Transcript of Dr. Powell				
32.		Deposition Transcript of Mini Armstrong				
33.		Deposition Transcript of David Gosse				
34.		Deposition Transcript of Sharon Hyde				

<b>Pltf.</b>	<b>Deft.</b>	<b>Description of Object or Item</b>	<b>Identified</b>	<b>Evidence</b>	<b>Ruling</b>	<b>Witness on Stand</b>
35.		Deposition Transcript of Suzanne Balestreri				
36.		Deposition Transcript of Pat Sheehan				
37.		Deposition Transcript of Eileen Carter				
38.		Authorization for Chemotherapy				
39.		Video Cassette of Testimony of Dr. Powell				
40.		Video Cassette of Testimony of Dr. Powell				
41.		Video Cassette of Testimony of Minni Armstrong				
42.		Video Cassette of Testimony of Dave Gosse				
43.		Video Cassette of Testimony of Sharon Hyde				
44.		Video Cassette of Testimony of Suzanne Balestreri				
45.		Video cassette of Testimony of Pat Sheehan				
46.		C.V. of Dr. Borgan				
47.		Transcript of Testimony of Dr. Borgan				
48.		Video Cassette of Dr. Borgan				
49.		Damage Calculation of Total Disability				
50.		Damage Calculation for Transitional Benefits				
51.		Damage Calculations for Premiums and Dividends				
52.		Letter to Brad Newman of 6/5/97				
53.		Pathology Report				
54.		Claims Log Letter from November 1999 – April 14, 2000				
55.		Requests for Continuation of Benefits				

Pltf.	Deft.	Description of Object or Item	Identified	Evidence	Ruling	Witness on Stand
56.		Application for Disability Insurance				
57.		Approval of Claim by Letter of 8/11/97				
58.		Consultation report of Dr. Seidman				
59.		Application for Disability Ins.				
60.		Authorization Letters Allowing Authorization of March 6, 1998 and March 31.				
61.		Claim Log of 79-80				
62.		C.V. of Elliot Leitnor				
63.		Entire Claims Log of Northwestern				

## II. Plaintiff's Witness List

- |   |   |
|---|---|
| <p>1. Cynthia A. Diveglia<br/>41 Berkey Road<br/>East Berlin, PA 17316</p>  | <p>2. Elliot Leitnor<br/>2450 Cobblewood Drive<br/>Northbrook, IL 80062<br/>Insurance Consultant</p>                        |
| <p>3. Bradley Newman<br/>1505 Penn Street<br/>Harrisburg, PA</p>  | <p>4. David Gosse<br/>via videotape/or in person<br/>Northwestern Mutual Employee<br/>as if on cross examination</p>        |
| <p>5. Dr. Richard Powell<br/>via videotape/or in person<br/>Northwestern Mutual Employee<br/>as if on cross examination</p> | <p>6. Susanne Balestreri<br/>via videotape/or in person<br/>Northwestern Mutual Employee<br/>as if on cross examination</p> |
| <p>7. Sharon Hyde<br/>via videotape/or in person<br/>Northwestern Mutual Employee<br/>as if on cross examination</p>        | <p>8. Patricia Sheeran<br/>via videotape/or in person<br/>Northwestern Mutual Employee<br/>as if on cross examination</p>   |

9. Eileen Carter  
via videotape/or in person  
Northwestern Mutual Employee  
as if on cross examination

10. Minnie Armstrong  
via videotape/or in person  
Northwestern Mutual Employee  
as if on cross examination

### III. Defendant's Exhibit List

Pltf	Deft	Description of Object or Item	Identified	Evidence	Ruling	Witness on Stand
	1.	Policy				
	2.	Letter from Plaintiff to Bradley Newman (NML)				
	3.	Plaintiff's Claim Form				
	4.	Plaintiff's 1996 and 1995 Tax Records (date is estimated along with cover letter referring to completed forms)				
	5.	Attending Physician's Statement (dated 6/3/97)				
	6.	Claim Requirements Guidelines				
	7.	Mary Neveln Letter to Plaintiff				
	8.	M. Neveln Notes from Phone Survey with Plaintiff				
	9.	M. Neveln Notes from Discussion with Dennis Darland				
	10.	Letter to Sloan-Kettering Medical Center Seeking Records				
	11.	M. Neveln Letter to Plaintiff				
	12.	M. Neveln e-mail to Jim Porter and Response				
	13.	M. Neveln Field Benefit Request Form to Jim Porter				
	14.	N. Versnik Notes from Call with Plaintiff				
	15.	Attending Physician Statement from Dr. Seidman				

16.	Plaintiff's Letter Enclosing Tax Returns and Attending Physician Statement				
17.	Follow-up with Sloan-Kettering re: Medical Records				
18.	Corporate Tax Records of 1995 and 1996				
19.	Laurie Hilt Notes from Call with Plaintiff				
20.	File Note re: Use of 4/18/97 as Date of Onset of Disability				
21.	Discharge Summary and Related Information from Memorial Sloan-Kettering Hospital Received 8/5/97				
22.	Northwestern Letter to Plaintiff				
23.	Attending Physician Statement				
24.	Notes of Call with Plaintiff				
25.	Copy of Attending Physician Statement				
26.	Attending Physician Statement				
27.	Plaintiff's Request for Ongoing Disability Benefits				
28.	Plaintiff's Request for Continuing Benefits				
29.	Treatment Records and Progress Report from Dr. Cordeiro				
30.	Attending Physician Statement from Dr. Cordeiro				
31.	Plaintiff's Request for Continuing Benefit				
32.	Plaintiff's Request for Continuing Benefit				
33.	Attending Physician Statement from Dr. Seidman				
34.	Attending Physician Statement from Dr. Borgan				
35.	Plaintiff's Request for Continuing Benefits				

36.	Investigation Request Form				
37.	Confirmation from CS Claim Group, Inc. or Request for Investigation				
38.	Job Comparison Statement from Plaintiff				
39.	Notes from Plaintiff's Discussion with Kim Evans				
40.	Request for Records to Dr. Borgan by Minnie Armstrong				
41.	Authorization from Plaintiff				
42.	Plaintiff's "Statement"				
43.	Plaintiff's Letter Revoking Authorizations				
44.	Investigator's Report of Interview with Plaintiff Including Plaintiff's Signed Statement				
45.	Record of Payments Made as Requested by Plaintiff				
46.	Denial of Plaintiff's Application for SSDI Benefits				
47.	M. Armstrong Notes from Conference with Plaintiff re: Authorizations				
48.	M. Armstrong's Notes from Conference with D. Darland re: Authorization Issue				
49.	Plaintiff's Letter to M. Armstrong re: Denial of SSDI				
50.	Armstrong Request for Updated Tax Record				
51.	Armstrong Letter to Plaintiff re: Authorizations				
52.	Suzanne Balestreri Letter to Plaintiff				
53.	Attending Physician Statement from Dr. Seidman				
54.	Attending Physician Form from Dr. Seidman				



55.	Request for Continuing Benefits from Plaintiff				
56.	Letter for Continuing Benefits from Plaintiff				
57.	Letter from Plaintiff's Counsel				
58.	Sue Balestreri Notes from Discussion with Plaintiff's Counsel				
59.	Northwestern Letter to Plaintiff's Counsel				
60.	Plaintiff's Limited Authorizations				
61.	Plaintiff's Counsel Letter to Northwest				
62.	Northwestern Letter to Plaintiff re: Forms to be Filled Out				
63.	Attending Physician Statement from Dr. Borgan				
64.	Plaintiff's Request for Continued Benefits				
65.	Cover Letter from Plaintiff's Counsel with Attending Physician Statement and Request for Continued Benefit				
66.	Eileen Miller Carter Letter to Plaintiff's Counsel				
67.	Letter from Plaintiff's Counsel				
68.	Request for Continued Benefits				
69.	Eileen Miller Carter Notes from Discussion with Nurse Sheehan				
70.	Eileen Miller Carter Letter to Plaintiff's Counsel				
71.	Northwestern's Request for "Patient Files" Maintained by Drs. Seidman and Borgan				
72.	Patient File from Dr. Seidman Received				
73.	File Note of Review of Records with Pat Sheehan (date is estimated)				
74.	Request for Continued Benefits				

75.	Letter from Plaintiff's Counsel to Eileen Miller Carter				
76.	S. Balestreri Sends Request for Medical Records to Sloan-Kettering				
77.	Files Notes from S. Balestreri About Ongoing Efforts to Obtain Medical Records				
78.	Eileen Miller Carter Letter Responding to Letter from Plaintiff's Counsel				
79.	Additional Medical Records Received from Memorial Hospital				
80.	Request for Continued Benefits				
81.	Annual Review Referral from S. Balestreri to Eileen Miller Carter				
82.	Additional Medical Records Received from Memorial Hospital				
83.	Plaintiff's Request for Ongoing Benefits				
84.	Medical Review Request and 01/15/99				
85.	Dr. Randolph Powell Letter to Dr. Seidman				
86.	Request for Continued Benefits				
87.	Dr. Seidman Response to 1/19/99 Requests for Further Medical Information				
88.	Pat Sheehan Notes from Review of Letter from Dr. Seidman				
89.	Request for Continued Benefit				
90.	File Notes on Follow-Up with Dr. Seidman's Office				
91.	Letter from Plaintiff to Northwestern				
92.	Plaintiff's Request for Continued Benefits				
93.	S. Balestreri Letter to Plaintiff's Counsel				

94.	Letter from Plaintiff's Counsel				
95.	S. Balestreri Letter to Plaintiff Requesting Tax Return Information				
96.	Request for Continued Benefit				
97.	S. Balestreri Letter to Plaintiff's Counsel				
98.	Request for Continued Benefits				
99.	S. Balestreri Letter to Plaintiff's Counsel				
100.	Request for Continued Benefits				
101.	File Notes re: Plaintiff's Counsel Calling for Status of Benefit Check				
102.	Letter from David Gosse, Senior Claims Administrator to Plaintiff's Counsel				
103.	D. Gosse File Note				
104.	S. Balestreri Letter to Plaintiff's Counsel				
105.	D. Gosse File Memo of Conversation with Plaintiff's Counsel				
106.	S. Balestreri Letter to Plaintiff's Counsel				
107.	D. Gosse File Memo on Conference with Plaintiff's Counsel				
108.	S. Balestreri Letter to Plaintiff				
109.	Attending Physician Statement from Dr. Borgan				
110.	Request for Continued Benefits				
111.	Request for Updated Medical Records to Memorial Hospital				
112.	Request for Updated Medical Records to Dr. Borgan				
113.	File Note/Referral to D. Gosse				
114.	S. Balestreri Letter to Plaintiff's Counsel				

115.	D. Gosse Letter to Plaintiff's Counsel				
116.	Northwestern Received Medical Records from Memorial Hospital				
117.	Medical Referral with Response from Dr. Powell				
118.	Letter from Plaintiff's Counsel to D. Gosse				
119.	Pat Sheehan e-mail to Balestreri				
120.	P. Sheehan Letter to Dr. Seidman with Requests for Information				
121.	Claim referral by D. Gosse for review of New Medical Information with 12/13/99 Response				
122.	S. Balestreri Letter to Plaintiff's Counsel				
123.	Plaintiff's Request for Continued Benefits				
124.	Letter from Plaintiff's Counsel				
125.	S. Balestreri File Note				
126.	S. Balestreri Letter to Plaintiff's Counsel				
127.	Northwestern Fax to Dr. Seidman Requesting Response to Four Questions				
128.	Letter from Plaintiff's Counsel				
129.	Request for Continued Benefits				
130.	Martindale Hubbell and Related Materials				
131.	S. Balestreri Letter to Plaintiff's Counsel				
132.	Investigation Request				
133.	File Notes Regarding Requests for Additional Medical Information				
134.	Plaintiff's Request for Continued Benefits				

135.	File Notes from P. Sheehan				
136.	P. Sheehan fax to Dr. Borgan of 12/8/99				
137.	File Note from S. Balestreri with Authorization to Make Another Payment on an Accommodation Basis				
138.	S. Balestreri Letter to Plaintiff's Counsel re: Ongoing Benefits on an Accommodation Basis				
139.	Attending Physician Statement from Dr. Seidman				
140.	Request for Continued Benefits				
141.	Northwestern Receives 3/27/00 Office Notes from Dr. Seidman				
142.	File Note Referring Medical Records to Pat Sheehan				
143.	Medical Review Notes from P. Sheehan				
144.	File Note of Conference Between S. Balestreri and D. Gosse				
145.	S. Balestreri Letter to Plaintiff's Counsel				
146.	Letter from Plaintiff's Counsel				
147.	S. Balestreri Letter to Plaintiff's Counsel				
148.	Report from CS Claim on Search of Court Records				
149.	Docket Entries from Lawsuits				
150.	Sharon Hyde Letter to Plaintiff's Counsel				
151.	Payment Histories				
152.	Expert Report of Dr. Weber				
153.	Expert Report of Barbara Mueller				
154.	Malpractice Applications				
155.	W-2's				

**IV. Defendant's Witness List**

1. Cynthia Diveglia
2. Suzanne Balestreri
3. David Gosse
4. Eileen Miller Carter
5. Minnie Armstrong (may testify if the need arises)
6. Patricia Sheehan, R.N.
7. Dr. Randolph Powell
8. Sharon Hyde
9. Mary Neveln (may testify if the need arises)
10. Natalie Versnik (may testify if the need arises)
11. Kim Evans (may testify if the need arises)
12. Laurie Hilt (may testify if the need arises)
13. Dr. Barbara Weber
14. Ms. Barbara Meuller
15. Bradley Newman
16. Richard Love